



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Owyhee Field Office  
20 First Avenue, West  
Marsing, Idaho 83639



In Reply Refer To:  
4110 (IDB030)

September 12, 2014

Payne Family Grazing Association, LLC  
41691 Juniper Mountain Road  
Jordan Valley, OR 97910

**CERTIFIED MAIL - - RETURN RECEIPT REQUESTED**

**NOTICE OF TEMPORARY LIVESTOCK CLOSURE:  
FINAL DECISION-EFFECTIVE UPON ISSUANCE**

Dear Ted and Dorothy:

In August 2013, pastures within the Trout Springs, Pleasant Valley, Squaw Creek FFR and Pleasant Valley FFR Allotments were impacted by the Juni wildfire. This Final Decision temporarily closes all burned public lands administered by the Bureau of Land Management (BLM) within the burn area. This decision will be effective upon issuance and until resource objectives identified in this decision are achieved.

**Background**

On August 13, 2013, lightning ignited the Juni Fire, which burned 2,165 acres on the northwest side of Juniper Mountain in Owyhee County, Idaho (see Map 1). Of the total burned, 60 acres were on lands managed by the state of Idaho and the remaining 2,165 acres were on lands managed by the BLM. Portions of three different pastures in the Trout Springs Allotment were impacted by the fire including Pasture 2A as outlined in Table 1 below.

**Table 1 Trout Springs Allotment Information**

Pasture Number, Name	BLM Acres	BLM Acres Burned	% BLM Acres Burned
2B, Grave Creek	6,480	1,575	24
06, Hanley Holding Field	528	309	59
2A, Twin Springs	2,297	90	4
<b>Total</b>	<b>9,305</b>	<b>1,974</b>	<b>21</b>

The fire also burned 250 acres of Pasture 01 in the Pleasant Valley Allotment and less than one acre each in the Squaw Creek FFR and Pleasant Valley FFR allotments. BLM has determined that due to the limited acreages and negligible impacts to multiple resource values, the Squaw Creek FFR and

Pleasant Valley FFR allotments will remain open to livestock grazing and will not be discussed further in this decision.

The fire burned through juniper woodlands and sagebrush communities being encroached upon by juniper. There were 308 acres of greater sage-grouse (*Centrocercus urophasianus*) preliminary general habitat (PGH) affected by the fire, of which 87 acres were identified as being encroached upon by juniper. There is one occupied sage-grouse lek and two leks with undetermined status within five miles of the fire perimeter. Multiple sage-grouse seasonal observations have occurred both inside and within five miles of the Juni Fire perimeter (Personal Communication with Brad Jost, Owyhee Field Office Wildlife Biologist).

In accordance with the December 30, 1999 Owyhee RMP, areas impacted by fire must be closed to livestock grazing for a minimum of two growing seasons (page 26, Management Actions and Allocations #4 “... *Rest all rehabilitated areas, with the exception of firelines, from livestock grazing for at least two growing seasons.*”). This decision will identify the areas that will be temporarily closed to livestock grazing, objectives to be met prior to re-introduction of livestock grazing, and how the temporary closure affects your grazing permit.

### **Final Decision Effective Upon Issuance**

It is my decision to temporarily close the Grave Creek Pasture (2B) and the Hanley Holding Field (6) to livestock grazing, and to temporarily suspend the associated permitted livestock use for the 2014 and 2015 grazing seasons, or until recovery objectives are met. It is also my decision to not close the Twin Springs Pasture (2A) to livestock grazing.

In 2014, livestock grazing will be authorized to begin in the Middle Fork (1A) Pasture, following the Year 2 grazing rotation outlined in the final decision dated November 13, 2013, except as noted above. In 2015, the Year 1 grazing rotation will be followed, and so forth in subsequent years. Maintenance of exterior boundary fences, interior pasture fences, exclosures, and water developments prior to livestock grazing is required in the pastures that will be grazed.

Livestock will not be gathered into the Hanley Holding field as they are removed from the Twin Springs or Middle Fork Pastures as it is closed to livestock use. Because this area was not burned in the Juni fire, cattle may be gathered into the wire lot on the northeastern side of the Hanley Holding Field and held overnight, if needed (see Map 2). Livestock will then be trailed to the Cottonwood Pasture the following day.

Although the Grave Creek Pasture is closed, livestock will be allowed to trail through this pasture on a one-day basis; overnighing of livestock in the Grave Creek pasture is not authorized. Livestock will trail to the Cottonwood Pasture, where they will remain until approximately November 7. Livestock will then be removed from the Trout Springs allotment. This will result in an overall reduction of approximately 258 AUMs (238 AUMs in the Grave Creek pasture and 20 AUMs in the Hanley Holding Field) on the allotment until grazing is resumed in the Grave Creek Pasture and the Hanley Holding Field. These AUMs will be temporarily suspended for at least two growing seasons, or until recovery objectives are met.

The Grave Creek Pasture and Hanley Holding Field will be monitored by Field Office personnel during the grazing season to ensure that the operator has successfully trailed livestock and has also kept livestock out of the closed areas. Compliance will be measured by site visits and the absence of evidence of livestock use within the burned area<sup>1</sup>. Individuals not in compliance with this requirement will be subject to 43 CFR 4140.1 (b)(1)(iii) Prohibited Acts and 4150.1 Unauthorized Grazing Use.

To illustrate the change in grazing use for the next two grazing years (or until vegetative objectives are met), authorized use will be as follows:

FROM:

Permit	Livestock No. & Kind	Season of Use	%Public Land	Active AUMs	Suspended AUMs	Permitted AUMs
Trout Springs Allotment (#00539)						
Payne Family Grazing Association LLC	259 cattle*	9/15 – 12/5	100	699	282	981

\*Up to 284 cattle could be authorized annually to graze in Pastures 1A, 1B, 2A, 2B, and 3 of the Trout Springs Allotment. This would require a shorter duration than scheduled in each pasture. As analyzed in EA#DOI-BLM-ID-B030-2009-0030-EA, a maximum of 466 head could graze these pastures for a shorter duration than scheduled in each pasture. 259 head represents 61% of the total head allocated as analyzed; therefore, 61% of the maximum allowed is 284.

Permitted Grazing Management System:

Trout Springs	Year 1	Year 2	Year 3
Pasture*			
1A Middle Fork	REST	9/15 – 10/3	Repeat Cycle
1B Thomas Cr	9/15 – 10/14	REST	
2A Twin Spring	REST	10/4 – 10/14	
2B Grave Cr	10/15 – 11/11	10/15 – 11/11	
3 Cottonwood	11/12 – 12/5	11/12 – 12/5	
4 Fairylawn	9/15 – 12/5		
Hanley Holding Field	9/15 – 12/5		

TO:

Permit	Livestock No. & Kind	Season of Use	%Public Land	Active AUMs	Temporarily Suspended AUMs	Suspended AUMs	Permitted AUMs
Trout Springs Allotment (#00539)							
Payne Family Grazing Association LLC	259 cattle*	9/15 – 11/7	100	441	258	282	981

\*Up to 284 cattle could be authorized annually to graze as outlined below, as long as Active AUMs are not exceeded.

<sup>1</sup> 43 CFR Subpart 4100 is the federal regulations that govern grazing administration.

### Permitted Grazing Management System:

Trout Springs	Year 1 (2015)	Year 2 (2014)	Year 3
Pasture*			
1A Middle Fork	REST	9/15 – 10/3	Repeat Cycle
1B Thomas Cr	9/15 – 10/14	REST	
2A Twin Spring	REST	10/4 – 10/14	
2B Grave Cr	REST*	REST	
3 Cottonwood	10/15 – 11/7	10/15 – 11/7	
4 Fairylawn	9/15 – 11/7		
Hanley Holding Field	REST		

\*If monitoring concludes that objectives have been met, grazing in 2015 would be consistent with Year 1 as defined in the final decision.

### Post Burn Monitoring Objectives

The Monitoring and Assessment Appendix (MONT-1, pp. 75-80) of the Owyhee RMP states “...*the effects of implementation will be monitored and evaluated on a periodic basis over the life of the plan. Monitoring will be conducted to determine where problems exist with management activities, to evaluate management objectives as to whether or not they are being achieved, to assess the progress toward meeting the standards for rangeland health, and to recommend future actions...*” In order to meet objectives outlined in the RMP and the Juni Fire Emergency Stabilization and Burned Area Rehabilitation Plan, the following objectives will be met prior to initiation of livestock grazing in the closed pastures:

- Canopy cover of herbaceous vegetation would be at least 80% of what is found in unburned islands or adjacent areas after the second growing season.
- Aspen leaders reach an average height of no less than four feet on areas accessible to livestock.
- Assess perennial plant vigor and desirable perennial plant seed production; precipitation information during the non-growing (winter) and growing (spring through early summer) season; and erosion potential.

This Decision is final and effective upon receipt in accordance with 43 CFR 4110.3-2(a), 4110.3-3(b), and 4160.3(f). The closure will remain in effect until the later of two grazing seasons or satisfaction of natural recovery objectives. If monitoring and/or compliance indicate the objectives are not being met, the livestock closure period may be extended.

### Rationale

This Final Decision is in conformance with the December 30, 1999 Owyhee RMP as discussed on page 26 “Management Actions and Allocations”. The two closed pastures will receive at least two growing seasons (2014 and 2015) of rest, and more if monitoring objectives are not met. Implementation of monitoring objectives will ensure successful recovery of vegetation before livestock use is resumed on the allotment.

When considering the Twin Springs Pasture, I decided not to close it because only 4 percent of this pasture was burned during backfiring operations. The burned areas will have received one full

growing season of rest prior to livestock grazing the pasture and the permitted use period for the pasture is only 10 days when it is grazed. Based on the grazing rotation implemented in this decision, the pasture will be rested during the 2015 grazing season.

Implementation of the Year 2 grazing rotation in 2014 will place cattle in the Thomas Creek (1B) Pasture in 2015, when burning is planned for juniper treatment in Pasture 1B of the Pole Creek Allotment. Because this pasture and the Middle Fork Pasture of the Trout Springs allotment share a boundary, I believe that resting the Middle Fork Pasture next grazing season (2015) is the safest and most reasonable alternative. In the event that the controlled fire burns the allotment boundary fence, livestock will not be present to potentially breach the boundary and trespass into the Pole Creek allotment.

Trailing livestock through the Grave Creek Pasture will not cause irreversible impacts to the burned areas. Livestock will be actively trailed along an existing unimproved road, approximately 4.5 miles in length, which traverses the Grave Creek Pasture. No buffer width would be provided as with other trailing permits. By using the road, approximately 1.5 miles of burned area will actually be trailed through. Riders will be present during trailing to ensure that cattle do not stray far from the road and to ensure that livestock are actively moved through the pasture.

Shifting the season of use from 11/12-12/5 as prescribed in the final decision to 10/15-11/7 will have no detrimental impacts to vegetation or wildlife. Environmental assessment #DOI-BLM-ID-B030-2009-0030-EA (EA), completed for the allotment in 2013, determined that fall grazing was beneficial on an allotment wide basis to multiple resources including but not limited to upland and riparian vegetation, wildlife, and watershed health (see Section 3.3 of the EA for discussion). Although earlier than prescribed in the EA, use in mid-October will allow for seed-set and shatter of upland and riparian vegetation; in fact, most plant species will be dormant or dead by this time. Shifting the season of use ahead will alleviate the issue of the permittee needing to remove his livestock from the allotment for approximately one month before returning to the Cottonwood Pasture. Additionally, as identified in Other Terms and Conditions in the Notice of Field Manager's Final Grazing Decision for the Trout Springs Allotment, changes to the scheduled grazing use can be approved by the Authorized Officer. Therefore, this temporary shift in season of use for the Cottonwood Pasture is neither outside of the scope nor authority of the Final Decision.

If, after two grazing seasons, the BLM determines that vegetation recovery objectives have been met, temporarily suspended AUMs will be returned to active status and grazing can resume at full active use levels. If objectives have not been met after two growing seasons, the reasons for failure to obtain objectives will be identified by the interdisciplinary team. Some of the factors to be considered in this evaluation are: 1) How close to meeting the established criteria the pastures are at the end of the first and second growing seasons and 2) What benefits, if any, an additional grazing season of rest might provide. If it is determined that livestock will not hinder achievement of vegetation objectives, or if it is determined that objectives are not attainable, livestock grazing may be resumed at full active levels in accordance with the grazing permit.

### **Authority**

The authority under which this decision is being issued is found in the following Title 43 of the 4100 Code of Federal Regulations (CFR) citations.

- 4110.3-2(a) Decreasing permitted use (Suspending permitted use on a temporary basis due to fire)
- 4110.3-3(b) Implementing reductions in permitted use (due to fire)
- 4160.3(f) Final decisions (effective upon issuance)

### **Provisions for Appeal/Stay**

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (in writing) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471, pending final determination on appeal. The notice of appeal and petition for a stay must be filed in the office of the authorized officer (Owyhee Field Manager) at 20 1<sup>st</sup> Ave West, Marsing ID 83639. In accordance with 43 CFR 4.401, the BLM does not accept fax or email filing of a notice of appeal or a petition for stay. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. The appeal must comply with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and other person(s) named (43 CFR 4.421 (h) in the **Interested Public** section of this decision. Should you wish to file a motion for stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal should see 43 CFR 4.472(b) for procedures to follow to respond.

If you have any questions regarding this decision, please contact Tina Ruffing, Supervisory Rangeland Management Specialist, or me at 208-896-5912.

Sincerely,

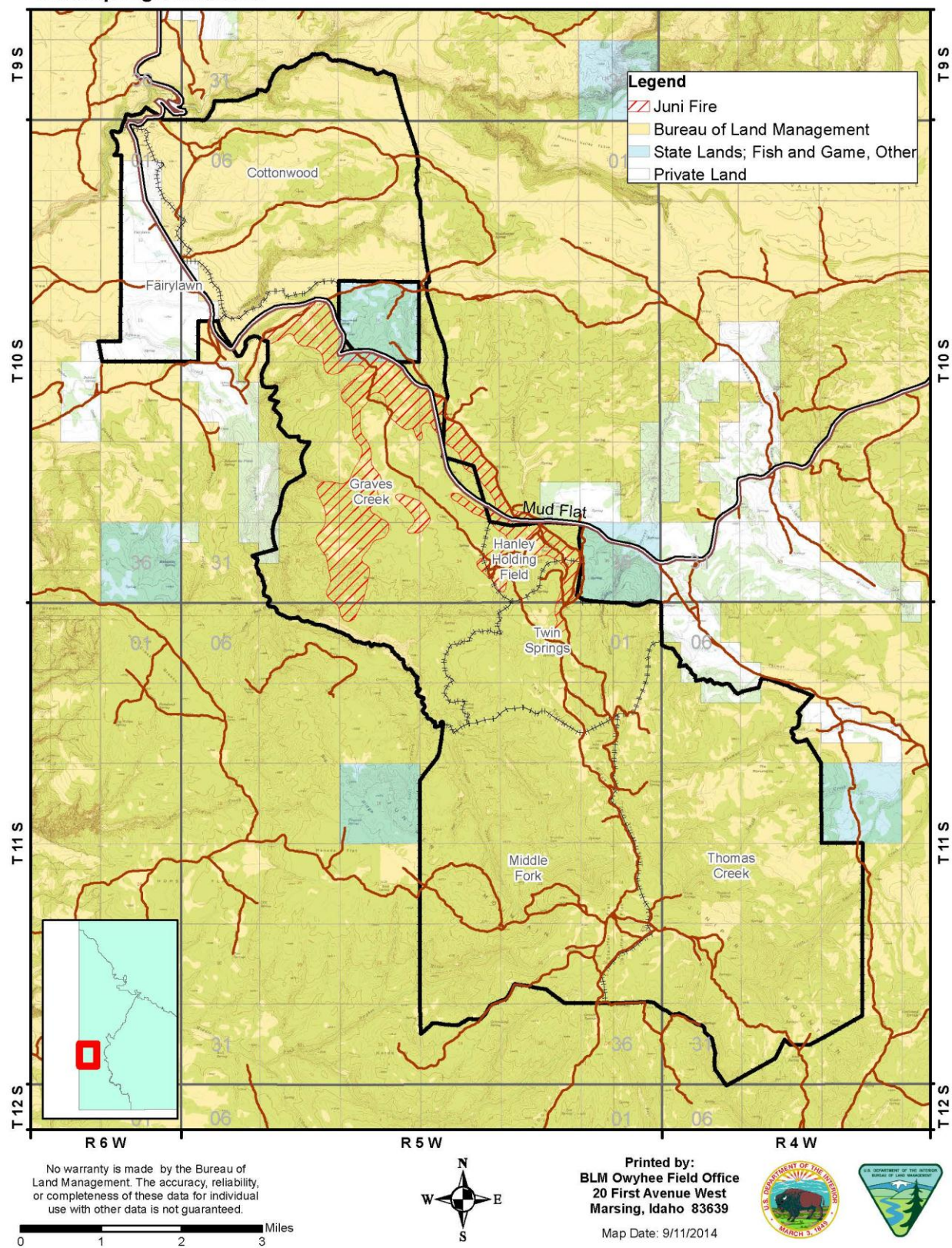
*/s/ Michele McDaniel*

Michele McDaniel  
Acting Field Manager

cc: Interested Public

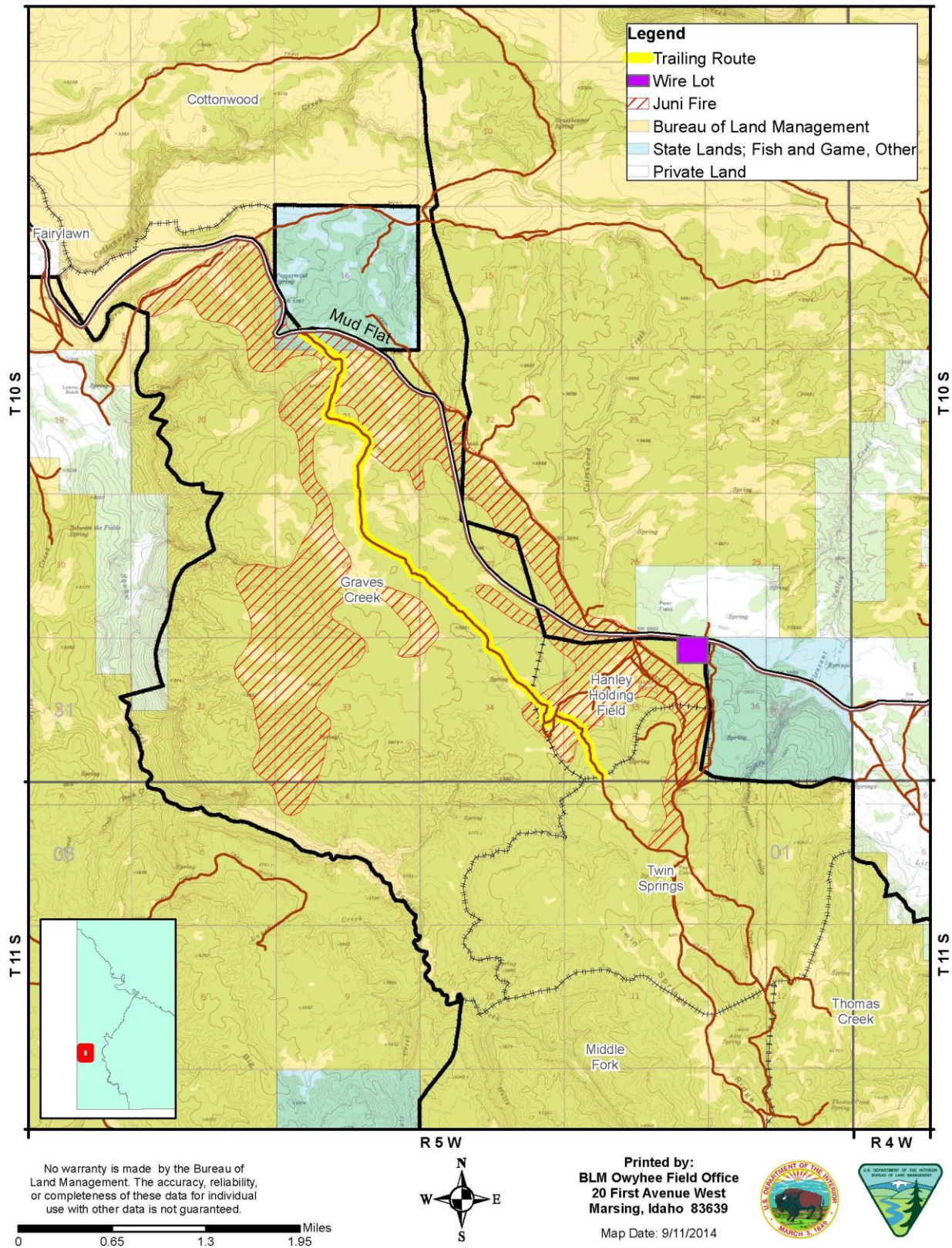


**Map 1 - Juni Fire  
Trout Springs Allotment**





**Map 2 - Trailing Route, Wire Lot Locations  
Trout Springs Allotment**





**Juni Fire Closure Decision Interested Public Mailing List**

<b>Company Name / Title</b>	<b>First Name</b>	<b>Last Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Payne Family Grazing Association LLC	Ted & Dorothy	Payne	41691 Juniper Mtn. Rd.	Jordan Valley	OR	97910
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
C Ranch	Jack	Payne	1500 Lazy Heart Ln.	Fallon	NV	89406
Elordi Cattle Co.	Jim	Elordi	PO Box 55	Jordan Valley	OR	97910
Idaho Cattle Association	Wyatt	Prescott	2120 Airport Way	Boise	ID	83715
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701
Idaho State Department of Agriculture: Div. of Animal Industries			2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707- 9985
Idaho Department of Lands: Grazing Program Manager			300 N. 6 <sup>th</sup> St., Suite 103	Boise	ID	83720- 0050
Owyhee Farm Bureau Fed	John W.	Richard	8933 State Hwy. 78	Marsing	ID	83639- 8206
Idaho Department of Environmental Quality	Danielle	Robbins	1445 N. Orchard	Boise	ID	83706
LU Ranching	Bill	Lowry	PO BOX 415	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul A.	Turcke	950 W. Bannock St., Suite 520	Boise	ID	83702
Owyhee Cattlemen's Association	Scott	Jensen	PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Poison Creek Grazing Association LLC	Tim	Mackenzie	PO Box 443	Homedale	ID	83628
Schroeder & Lezamiz Law Offices	Alan	Schroeder	447 W. Myrtle St.	Boise	ID	83702
Shoshone-Bannock Tribes, Tribal Chair	Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Animal Welfare Institute	Andrea	Lococo-Reed	1363 Overbacker Ct.	Louisville	KY	40208
The Nature Conservancy	Lou	Lunte	950 W. Bannock, Suite. 210	Boise	ID	83702
US Fish & Wildlife Service	Mike	Carrier	1387 S. Vinnell Way	Boise	ID	83709
USDA Farm Services	Toni	Williams	9173 W. Barnes, Suite B	Boise	ID	83709
Western Watersheds Project	Travis	Bruner	PO Box 1770	Hailey	ID	83333
Western Watersheds Project	Katie	Fite	PO Box 2863	Boise	ID	83701
Wintercamp Ranch Trust	Don	Barnhill	PO Box 1	Murphy	ID	83650
Congressman	Mike	Simpson	802 W. Bannock St., Suite. 600	Boise	ID	83702
Congressman	Raul	Labrador	33 E. Broadway Ave., Suite. 251	Meridian	ID	83642
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650
	Martin & Susan	Jaca	21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
	Dr. Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	JD	Edwards	15804 Tyson Rd.	Murphy	ID	83650
	Glenda	Gammett	815 McBride Rd.	Jordan Valley	OR	97910
	Joseph	Parkinson	123 W. Highland View Drive	Boise	ID	83702
	Ed	Wilsey	16550 Hwy. 95	Marsing	ID	83639
Youngs Riverfront Ranch LP	J Lavar	Young	10547 Youngs Ln.	Melba	ID	83641
Senator: James E. Risch	c/o Mike	Roach	350 N. 9th St., Suite 302	Boise	ID	83702
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
Senator	Mike	Crapo	251 E. Front St., Suite. 205	Boise	ID	83702
	Mindy	Kershner	2904 Jones Rd.	Jordan Valley	OR	97910
Office of Species Conservation	Cally	Younger	304 N. 8 <sup>th</sup> St., Suite 149	Boise	ID	83639
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Bud-Falen Law Offices PC	Karen	Bud-Falen	PO Box 346	Cheyenne	WY	82003
	Tommy & Barbara	Moore	PO Box 237	Jordan Valley	OR	97910
Juniper Mountain Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
06 Livestock	Dennis	Stanford	PO Box 167	Jordan Valley	OR	97910
	Teo & Sara	Maestrejuan	26613 Pleasant Valley Rd.	Jordan Valley	OR	97910